

**Probation Committee  
Judicial Conference of Indiana**

**Minutes  
January 20, 2006**

The Probation Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center in Indianapolis, Indiana on January 20, 2006.

1. **Members present.** The following members of the Probation Committee were present: Douglas R. Bridges, David Chidester, Thomas Felts, G. Thomas Gray, Thomas Lett, Robert Mrzlack, Wayne Steele, and Mark Stoner, chair.
2. **Staff present.** Jane Seigel, Jenny Bauer, Bob Champion and Michelle Goodman provided staff assistance to the Committee.
3. **Approval of minutes.** The minutes from October 14, 2005 were approved.
4. **2006 legislative update.** Michelle Goodman reported that the 2006 session of the Indiana General Assembly will move very fast because it is a short session and must conclude by March 14<sup>th</sup>. She highlighted HB 1016 (pre-trial services fee bill) and said that the bill was heard in committee recently. The bill passed out of committee 9-0, but has not been called on second reading in the House. Ms. Goodman also highlighted several sex offender bills that are in the Senate. She reported that the Senate Courts and Criminal Code Committee met this week to consider 10 sex offender-related bill and condensed the bills down to 3 bills: SB 6 (lifetime parole for child molesters), SB 12, and SB 246. All 3 bills passed out of committee unanimously. Because SB 6 has could have a significant fiscal impact, it must be heard by the Senate Appropriations Committee before moving to the full House for consideration.
5. **Probation Officers Advisory Board update.** Michelle Goodman reported that the Probation Officers Advisory Board met on January 10<sup>th</sup> and approved the Supervision Subcommittee's revisions to the Intrastate Transfer forms. She distributed copies of the forms and explained that the guidelines on Page 2 are new. Judge Stoner led the Committee in a discussion of the guidelines and the problem of counties not accepting transfer cases for their own residents. The committee members discussed doing further study to determine if acceptance standards are necessary in intrastate transfer cases. The committee approved a motion to survey chief probation officers regarding policies on accepting intrastate transfers. Judge Stoner asked the Judicial Center staff to conduct the survey by e-mail and have the results from the survey in time for the April 28<sup>th</sup> committee meeting. The Committee decided to vote on the forms (minus the guidelines) by e-mail on February 3<sup>rd</sup>.
6. **Interstate Compact update.** Jane Seigel reported that the Interstate Commission held a telephone conference recently to vote on proposed revisions to several of the Compact rules. She also reported that the national office announced that there



are no definite dates for implementation of NACIS. Michelle Goodman reported that 60 departments reported that they do not have the scanner required for use of NACIS and only a few departments do not have internet or e-mail access. The Judicial Center will pursue funding for these probation departments from the Indiana Criminal Justice Institute.

7. **Administrative fees.** Judge Stoner informed the committee that he would like to continue to study the issue of administrative fees because he thinks the fees will not cover probation salary increases (as intended) in the long term. He stated that Marion County probation is projecting a \$560,000 shortfall in administrative fees by next year. Judge Stoner also commented that it may be necessary to approach the legislature on this issue if counties begin to experience the shortfalls that Marion County is anticipating..
8. **Probation Administration Issues.** Bob Champion distributed copies of the 2006 probation dates. He highlighted that the October committee meeting conflicts with the fall orientation. He suggested that the committee hold the meeting at the orientation site so that Judicial Center staff can attend. Mr. Champion also reported on the following probation officer exam application issues and requested committee action: 1) An applicant notified Mr. Champion that his college is unable to send an original transcript of his grades (as required by the Probation Standards) because of Hurricane Katrina. The college is Southern University, and they are unable to locate the records because they have been moved to temporary storage. The Committee approved a motion to allow the applicant to submit a copy of his transcript. 2) An applicant did not declare on the form that she had been arrested in the past, and the criminal history check conducted by the State Police shows that she has an arrest record. She explained to Mr. Champion that her failure to declare the arrest was an oversight and that she had done so when she sent the application the first time to the wrong address. She further explained that when she sent the paperwork the second time, she forgot to check the line declaring the arrest. She seeks permission to take the exam. The committee discussed the circumstances surrounding the submission of her application and deferred action on her request until they receive recommendation letters from her supervising judge and chief probation officer. 3) An applicant changed the spelling of his first name on the application form, and the criminal history check came back without any history of arrests because the State Police check by name and date of birth (he actually had an arrest for a firearms offense). The applicant took and passed the exam and then was arrested later for another criminal offense. The probation department fired the probation officer and contacted Mr. Champion to ask if his certification as a probation officer could be revoked. Mr. Champion reported to the Committee that there is no process for revoking the certification of a probation officer. The Committee discussed this situation and approved a motion to recommend to the Board of Directors that the probation officer's certification be revoked as a result of the false information provided on the application form. The Committee requested the Judicial Center staff to give notice to this probation officer to appear before the Board for a hearing and to determine the procedure that should be used by the Board.



9. **Specialty courts and probation.** Judge Stoner reported that SB 84 authorizes the establishment of reentry courts statewide. As a result, he said he has been considering whether probation officers should be involved in supervising offenders in reentry and other specialty courts. Jane Seigel stated that the Court Alcohol and Drug program statutes authorize supervision by either probation or non-probation staff. In either circumstance, there are professional standards set by the Judicial Conference. Judge Stoner stated that his concern is that if the employees are not probation based, many of the duties for these employees actually look like the duties of probation officers.
10. **Regional/State approaches to probation.** Judge Stoner reported that Marion County's use of SCRAM alcohol monitoring devices made him start to think about how probation departments lease monitoring equipment. He said that the SCRAM devices are very expensive (\$3600/year), and as a result, indigent defendants are unable to use the device. He said he wondered about leasing monitoring devices on a regional or statewide basis in order to drive down the cost and make them available to more defendants. Judge Stoner also stated that there might be federal funding available for such an approach to obtaining monitoring devices. The committee members agreed that this is an interesting idea and will explore the possibility of pooling bargaining power and securing grant funding.
11. **Other business.** Bob Champion reported that Ron Miller from State Court Administration brought to his attention that several probation departments are not submitting statistical reports on time, and others are not continuing record-keeping after appointment of a new chief probation officer. Mr. Miller requested that the Probation Committee send a letter to these departments reminding them of their record-keeping duties. The Committee discussed the request and determined that the State Court Administrator's Office is better suited to address probation department deficiencies in timely submission of records and statistics.
12. **Next meeting.** The next meeting of the Probation Committee is scheduled for April 28, 2006.

Respectfully submitted,

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Indiana Judicial Center